



Licensing and Regulatory Committee

Time and Date

10.00 am on Tuesday, 22nd August, 2017

Place

Diamond Room 2 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 8)

To agree the minutes of the Committee meeting held on 27 June 2017 and the Sub-Committee hearing held on 18 July 2017.

4. Exclusion of Press and Public

To consider whether to exclude the press and public for the items of private business for the reasons shown in the reports.

5. Outstanding Issues Report

There are no outstanding issues to report.

6. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**Private Business****7. Reports of the Deputy Chief Executive (Place)**

7.1 Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 WK/216028631 (Pages 9 - 16)

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 10.00 am

8. Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences

Reports of the Deputy Chief Executive (Place) on the following:

(Listing Officer: Mick Coggins – tel: 024 7683 2183)

- 8.1 Review of Hackney Carriage Driver's Licence (Pages 17 - 26)
 - 8.2 Application for Grant of a Private Hire Driver's Licence (Pages 27 - 36)
 - 8.3 Application for Grant of a Hackney Carriage Driver's Licence (Pages 37 - 46)
9. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Martin Yardley, Deputy Chief Executive (Place), Council House Coventry

Monday, 14 August 2017

Note: The person to contact about the agenda and documents for this meeting is Usha Patel/Carolyn Sinclair Tel: 024 7683 3198/3166

Membership: Councillors J Clifford, G Crookes, D Gannon, L Harvard, B Kaur, D Kershaw, T Khan (Chair), M Lapsa, A Lucas, T Mayer, G Ridley, R Thay (Deputy Chair), C Thomas and S Walsh

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Usha Patel/Carolyn Sinclair

Tel: 024 7683 3198/3166

**Email: usha.patel@coventry.gov.uk or
Carolyn.sinclair@coventry.gov.uk**

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 27 June 2017

Present:

Members: Councillor T Khan (Chair)
Councillor J Clifford
Councillor G Crookes
Councillor D Gannon
Councillor L Harvard
Councillor D Kershaw
Councillor M Lapsa
Councillor A Lucas
Councillor T Mayer
Councillor G Ridley
Councillor R Thay
Councillor C Thomas
Councillor S Walsh

Employees (by Directorate):

Place: S Beechey, C Dunne, A Harwood, M Lynn, A Tandy, C
Sinclair, A Wright

Apologies: Councillor B Kaur

Public Business

1. Declarations of Interest

Councillors Clifford, Crookes and Lucas declared an 'Other Interest' in the matter referred to in minute 8 below (Counterfeit and illicit cigarettes and tobacco (2)). The interest arose as they had sat on the Sub-Committee Hearing Panel that considered the Application Review on 12 June 2017. They withdrew from the meeting during consideration of this item.

2. Minutes

The Minutes of the Committee meeting held on 25 April 2017 and the Sub-Committee meeting held on 8 May 2017 were signed as a true record.

3. Exclusion of Press and Public

RESOLVED that, under Section 1004(A) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below, on the grounds that those items involve the likely disclosure of exempt information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

Minute No.	Subject	Relevant Paragraph of Part 1 of Schedule 12A
7	Counterfeit and illicit cigarettes and tobacco	7
8	Counterfeit and illicit cigarettes and tobacco (2)	7
9	Illegal tobacco products	7
10	Illegal tobacco products (2)	7
11	Storage Unit – Illegal Tobacco	7
12	Un-roadworthy Vehicle	7
13	Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences	1 and 3

4. Report of Recent Prosecutions: 28 February 2017 - 31 May 2017

The Committee noted a report of the Deputy Chief Executive of Place which provided an update on any prosecutions authorised by Committee that had concluded at Court between 28 February and 31 May 2017.

5. Outstanding Issues Report

There were no outstanding issues.

6. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of public business.

7. Counterfeit and illicit cigarettes and tobacco

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, Regulation 48 of the Tobacco and Related Products Regulations 2016 and the Consumer Protection from Unfair Trading Regulations 2008 against appropriate persons in respect of the illegal tobacco products found at Riley Square International Mini Mart, 6 Henley Road, Coventry, CV2 1LP.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

8. Counterfeit and illicit cigarettes and tobacco 2

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under Regulation 48 and 52 of the Tobacco and Related Products Regulations 2016 and the Consumer Protection from Unfair Trading

Regulations 2008 against appropriate persons in respect of the illegal tobacco products found at Sam Mini Market, 681 Foleshill Road, Coventry, CV6 5JQ.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

(Note: Councillors Clifford, Crookes and Lucas withdrew from the meeting during consideration of this matter).

9. Illegal Tobacco products

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, Regulation 48 of the Tobacco and Related Products Regulations 2016 and the Consumer Protection from Unfair Trading Regulations 2008 against appropriate persons in respect of the illegal tobacco products found at Morris Eastern European Mini Market, 108 Caludon Road, CV2 4LP.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

10. Illegal tobacco products (2)

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under Regulation 48 of the Tobacco and Related Products Regulations 2016, the Consumer Protection from Unfair Trading Regulations 2008 and the Proceeds of Crime Act 2002 against Hemin Hassan Abass, 12 Swancroft Road, Coventry, CV2 4QW, in respect of the illegal tobacco products found.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

11. Storage Unit - Illegal Tobacco

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Trade Marks Act 1994, and Regulation 48 of the Tobacco and Related Products Regulations 2016 against appropriate persons in respect of the illegal tobacco products found at Safestore Coventry, Unit 1, Cyan Business Park, Phoenix Way, Coventry, CV2 4QP.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further

offences which may come to light before the case under consideration has been resolved in court.

12. **Un-roadworthy Vehicle**

RESOLVED that, having considered a report of the Deputy Chief Executive (Place), the Council Solicitor be authorised to institute legal proceedings under the Consumer Protection from Unfair Trading Regulations 2008 and the General Product Safety Regulations 2005 against appropriate persons in respect of the un-roadworthy vehicle purchased at Prestige Cars Coventry Limited, 172 Lockhurst Lane, Coventry, CV6 5NU.

In addition, it was agreed to delegate powers to the Director of Streetscene and Regulatory Services to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

13. **Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences**

RESOLVED that having considered the circumstances set out in the reports of the Deputy Chief Executive, Place now submitted:

(a) The application for grant of a Hackney Carriage Driver's Licence by Mr Baljinder Singh Dhadwal be approved

(Note: Mr Dhadwal attended the meeting in support of his application).

(b) The Hackney Carriage Driver's and Private Hire Driver's Licence held by Mr Mishael Kiflom be revoked with immediate effect.

(Note: Mr Kiflom attended but decided to leave before the matter was heard. He provided a written representation to be considered by the Committee in his absence).

(c) The Hackney Carriage Driver's Licence held by Mr Hazratgul Jabarkhel be renewed.

(Note: Mr Jabarkhel and his friend/translator attended the meeting in support of his application).

14. **Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

There were no other items of private business.

(Meeting closed at 12.45 pm)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 18 July 2017

Present:

Members:

Councillor G Crookes
Councillor D Kershaw (Chair)
Councillor R Thay

Employees (by Directorate):

Place: S Bassi, T. Johnson, R Masih, C Sinclair

In attendance:

Councillor Lancaster
Councillor Male
S Casey-Poole - Applicant

Public Business

6. Appointment of Chair

RESOLVED that Councillor Thay be appointed as Chair for the meeting.

7. Declarations of Interest

There were no declarations of interest.

8. Licensing Act 2003 - Application for a new Premises Licence

The Licensing and Regulatory Sub-Committee considered a new Premises Licence in respect of The Serene Lounge at 63 Alderminster Road, Mount Nod, Coventry, CV5 7JT.

Ms Bassi provided the licensing officer's statement, setting out the application and steps taken to achieve mediation. The application had been submitted by the Applicant for a premises licence at the Serene Lounge. The application sought to add the sale of wine, bottled beers and ciders to an existing change of use coffee shop, known as the Serene Lounge.

After consultation with the police the Applicant agreed to revise the timings for the sale of alcohol. The agreed revised hours were Monday to Saturday 1200 to 2100 hours. Sunday 1200 – 1600 hours.

There were no other objections raised by any of the other statutory consultees.

The Applicant then addressed the hearing and explained his rationale in seeking to provide a meeting place for the benefit of the local population. He accepted that he used social media as a marketing/ research tool.

The Applicant refuted that there would be any noise issues and confirmed that there would be no external drinking. Councillor Lancaster later indicated that the smoking area would be to the rear of the property.

The Applicant also indicated that parking would not be a problem and had provided photographs taken over a period of days showing space in the area outside the premises.

He added that he had invited the residents (via Mr Coulson) to a mediation but that the opportunity had been refused by Mr Coulson. He did however state that Licensing had arranged a subsequent mediation but no tangible agreement had been reached at it.

Councillor Male then addressed the hearing on behalf of the 23 objectors. He suggested that while there was no obvious attempt to mislead the residents in the alteration of a coffee shop into a bar, the proposed venue would be a bar and no longer the originally envisaged coffee shop.

Councillor Male suggested that in granting the licence there was potentially a dangerous precedent being set and other premises may follow suit.

He went on to raise issues surrounding parking, particularly with the advent of a new takeaway being opened next to the Serene Lounge in due course. Equally he stated that taxis collecting patrons could cause diesel pollution.

The issue of whether the blue application notice had been properly displayed was aired and Ms Masih confirmed that it had been in place at the relevant times and in a place and position where it could be read. Mr Coulson indicated that he had not seen it but once he became aware of the application he did write to the local residents.

Some questions followed each presentation from the Sub-committee Members. One called for an interpretation of the legal definition of 'ancillary' which was covered by the lawyer, as were the sanctions which could be applied against the licence/ Applicant in the event of any breaches for ASB etc.

The parties then summed up their respective positions and the Members withdrew to consider the application.

RESOLVED that the Licensing Sub-committee, having heard all of the evidence from the parties, and having reviewed all of the papers provided in advance of the hearing, have unanimously decided to grant the application, but subject to the following additional conditions:

- 1. The schedule will reflect the times agreed with the police.**
- 2. There are to be no tables or chairs placed on the pavement outside until authorisation/clarification has been granted by the Highways department of Coventry City Council.**
- 3. Signage is to be displayed at the access and egress points that patrons must leave the premises quietly.**
- 4. Separate signage is to clearly indicate that no alcoholic drinks may be taken outside of the premises.**

5. There are to be no off sales of alcohol at any time.

9. Any Other Business

There were no other items of business.

(Meeting closed at 11.50 am)

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